

JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

CHRISTINA M. McCALL (CASBN 234139)
Assistant United States Attorney

1301 Clay Street, Suite 340-S
Oakland, CA 94612
Telephone: (510) 637-3717
Fax: (510) 637-3724
E-mail: christina.mccall@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND BRANCH

UNITED STATES OF AMERICA,)	No. CR 09-00529 SBA
)	
Plaintiff,)	
)	
v.)	STIPULATION AND
)	ORDER TO CONTINUE SENTENCING
)	HEARING TO MARCH 2, 2010
CARLOS WHITE,)	
)	
)	
Defendant.)	

The above-captioned matter is set on January 26, 2010 before this Court for the entry of a guilty plea and sentencing. The United States Probation Officer has requested that this Court vacate that date and set this matter for entry of guilty plea and sentencing on March 2, 2010 at 10:00 a.m., because the presentence investigation report has not been completed. The parties jointly request that the Court exclude time under the Speedy Trial Act between the date of this stipulation and March 2, 2010. The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests

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of justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(i). Furthermore, the proposed plea agreement is under consideration by this Court, pursuant to 18 U.S.C. § 3161(h)(1)(G).

Such continuance is required because an accurate probation report will be required in order to comply with the Court's requirements and protocol for determining whether to accept an agreement entered under Rule 11(c)(1)(C). The proposed plea agreement depends upon the properly-calculated criminal history score, which relies on an accurate presentence report. A continuance in this matter therefore serves the interests of justice, because present circumstances make proceeding with sentencing nearly impossible.

As such, the parties respectfully request that the time between January 26, 2010 and February 2, 2010 be excluded under U.S.C. § 3161(h)(7)(A) and (B)(i).

DATED: January 21, 2010

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/ Christina McCall
CHRISTINA McCALL
Assistant United States Attorney

/s/ Jerome Matthews
JEROME MATTHEWS
Attorney for CARLOS WHITE

ORDER

Based on the reason provided in the stipulation of the parties above, the Court hereby FINDS that in the interest of justice, pursuant to 18 U.S.C. sections 3161(h)(7)(A) and (B)(i), an exclusion of time is warranted under the Speedy Trial Act. Based on these findings, IT IS HEREBY ORDERED THAT the hearing is continued until March 2, 2010 at 10:00 a.m., and time is excluded until March 2, 2010.

IT IS SO ORDERED.

DATED: 1/21/10

Saundra B. Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge

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